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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,091	09/29/1999	GORDON HOWARD EPSTEIN	GE1610	3584

7590 02/12/2002

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EXAMINER

KENNEDY, SHARON E

ART UNIT PAPER NUMBER

3763

DATE MAILED: 02/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/408,091

Applicant(s)  
Epstein et al.

Examiner  
Sharon Kennedy

Art Unit  
3763



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 20, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) 8, 12-14, and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 11, 15, 16, and 19 is/are rejected.
- 7) ☒ Claim(s) 6, 9, 10, and 18 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). all
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action or the MPEP.

#### ***Election/Restriction***

2. Claims 8, 12-14 and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 16.
3. Applicant's election with traverse of Species 2 in Paper No. 16 is acknowledged. The traversal is on the ground(s) that the inventions are similar so there is no burden to search them together. This is not found persuasive because a significant burden exists due to the large and complicated body of art encompassing the adhesive dispensing art.
4. The requirement is still deemed proper and is therefore made FINAL.

#### ***Claim Rejections - 35 USC § 102***

5. Claims 1, 2, 5, 7 and 19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Coelho et al. US 5,975,367.
6. Claims 1, 3, 4 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasson, US 4,935,006. Although Hasson does not disclose an adhesive applicator, the body of applicant's claims does not distinguish over the structure of Hasson.

#### ***Claim Rejections - 35 USC § 103***

7. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coelho et al., US 5,975,367. Regarding claim 11, note Figure 6 and the marking "d" on the end of the

dispenser and the teachings associated therewith. It would be obvious to add graduated markings if necessary. Regarding claim 15, the cap is an obvious design choice and probably included on these applicators during sale.

*Allowable Subject Matter*

8. Claims 6, 9, 10 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has already uncovered the closest prior art. The allowed claims recite the combination fluid sealant agent sources and the longitudinally movable catheters adequately.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is (703) 05-0154.

February 6, 2002

  
Sharon Kennedy  
Primary Examiner